



October 6, 1999

Lieutenant Arturo Valdez
McAllen Police Department
1501 Pecan Boulevard
McAllen, Texas 78501

OR99-2840

Dear Lieutenant Valdez:

You have asked whether certain information is subject to required public disclosure under the Texas Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 129069.

The McAllen Police Department (the "department") received a request for offense report number 99-27099. You assert that the requested information is excepted from disclosure based on section 552.108 and section 552.101 of the Government Code in conjunction with section 51.14(d) of the Family Code. We have considered your claim and reviewed the documents submitted.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 encompasses confidentiality provisions such as Family Code section 58.007. You cite to section 51.14(d) of the Family Code in your request for a decision; however, that provision only applies to offenses committed by juveniles prior to January 1, 1996. Section 58.007 of the Family Code applies to offenses committed by juveniles on or after September 1, 1997. Therefore, juvenile law enforcement records relating to conduct that occurred on or after September 1, 1997 are confidential and protected from public disclosure under section 58.007. The relevant language of section 58.007(c) reads as follows:

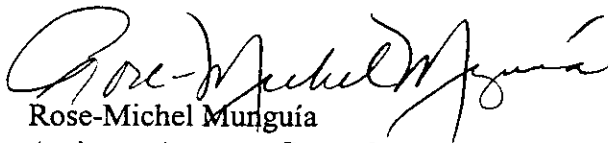
(c) Except as provided by Subsection (d), law enforcement records and files concerning a child may not be disclosed to the public and shall be:

- (1) kept separate from adult files and records; and
- (2) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subchapter B.

The information at issue involves juvenile conduct that occurred after September 1, 1997. It does not appear that any of ~~the~~ ~~exceptions~~ in section 58.007 apply; therefore, the requested information is confidential ~~per~~ ~~section~~ to section 58.007(c) of the Family Code. You must withhold the information from ~~disclosure~~ under section 552.101 of the Government Code.

We are resolving this matter with ~~this~~ informal letter ruling rather than with a published open records decision. This ruling ~~is~~ ~~limited~~ to the particular records at issue under the facts presented to us in this request ~~and~~ may not be relied upon as a previous determination regarding any other records. If ~~you~~ have questions about this ruling, please contact our office.

Sincerely,



Rose-Michel Munguía
Assistant Attorney General
Open Records Division

RMM/nc

Ref.: ID# 129069

Encl. Submitted documents